

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EHAB MUHAMMED AL
HASNAWI,

Plaintiff,

vs.

U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

NO: 4:23-CV-5034-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE FOR FAILURE OF
SERVICE

On March 3, 2023, a Complaint was filed in this case. ECF No. 1. A
Summons was issued for Plaintiff the same day. ECF No. 3. That Summons was
returned unexecuted on April 4, 2023. ECF No. 4.

According to Federal Rule of Civil Procedure Rule 4(i)(1), in order to serve
the United States a Plaintiff must:

(A)(i) deliver a copy of the summons and of the complaint to
the United States attorney for the district where the action is
brought—or to an assistant United States attorney or clerical
employee whom the United States attorney designates in a
writing filed with the court clerk—or

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1 (ii) send a copy of each by registered or certified mail to the
2 civil-process clerk at the United States attorney's office;

3 (B) send a copy of each by registered or certified mail to the
4 Attorney General of the United States at Washington, D.C.;

5 **and**

6 (C) if the action challenges an order of a nonparty agency or
7 officer of the United States, send a copy of each by registered
8 or certified mail to the agency or officer.

9 Plaintiff has not shown compliance with Rule 4(i)(1).

10 Also, according to Federal Rule of Civil Procedure Rule 4(m), the Plaintiff
11 must serve the Summons and Complaint on the Defendant within 90 days after the
12 complaint is filed or suffer dismissal. Specifically, Rule 4(m) provides:

13 If a defendant is not served within 90 days after the complaint is filed, the
14 court—on motion or on its own after notice to the plaintiff—must dismiss
15 the action without prejudice against that defendant or order that service be
16 made within a specified time. But if the plaintiff shows good cause for the
17 failure, the court must extend the time for service for an appropriate period.

18 Because of this strict requirement, the Local Civil Rules for this District
19 provide that “plaintiff shall promptly file proof of service of the summons and
20 complaint with the Clerk of Court after service has been accomplished.” LCivR
4(l). Plaintiff has not complied with Local Civil Rule 4(l) either.

The Court provided Plaintiff with a “Notice of Failure of Proper Service” on
May 25, 2023. ECF No. 7. Plaintiff did not respond or provide proof of service.

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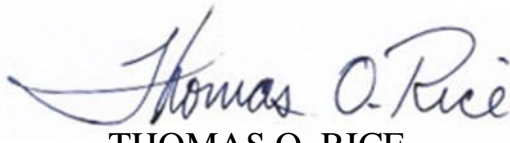
1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 The Complaint, ECF No. 1, is **DISMISSED without prejudice.**

3 The District Court Executive is hereby directed to enter this Order and
4 Judgment, furnish copies to Plaintiff at his last known address, and **CLOSE** the
5 file.

6 DATED July 27, 2023.



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THOMAS O. RICE
United States District Judge

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